

Executive Summary – Enforcement Matter – Case No. 43525

Alon USA, LP

RN100250869

Docket No. 2012-0356-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Alon USA Big Spring Refinery, located adjacent to IH-20 and approximately 0.5 mile east of the intersection of IH-20 and Farm-to-Market Road 700, east of Big Spring, Howard County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 17, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$17,830

Amount Deferred for Expedited Settlement: \$3,566

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$14,264

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 43525

Alon USA, LP

RN100250869

Docket No. 2012-0356-IWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 17, 2012

Date(s) of NOE(s): January 26, 2012

Violation Information

1. Failed to comply with permitted effluent limitations for flow, total suspended solids, and sulfide [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001768000, Effluent Limitations and Monitoring Requirements No. 1].
2. Failed to timely submit effluent monitoring results at the intervals specified in the permit. Specifically, the discharge monitoring report ("DMR") for the Whole Effluent Toxicity (48-hour acute) for *Daphnia magna* and *Pimephales promelas* for Outfall 002 was not submitted for the quarterly monitoring period ending September 30, 2011 by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0001768000, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On February 6, 2012, the Respondent submitted the DMR for the Whole Effluent Toxicity (48-hour acute) for *Daphnia magna* and *Pimephales promelas* for Outfall No. 002.

Technical Requirements:

The Order will require the Respondent to, within 90 days, submit written certification demonstrating compliance with permitted effluent limits.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jacquelyn Green, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2587; Debra Barber, Enforcement Division, MC 219, (512) 239-0412.

Executive Summary – Enforcement Matter – Case No. 43525

Alon USA, LP

RN100250869

Docket No. 2012-0356-IWD-E

TCEQ SEP Coordinator: N/A

Respondent: Jimmy Crosby, Vice President of Refining, Alon USA, LP, P.O. Box 1311,
Big Spring, Texas 79721

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES **Assigned** 30-Jan-2012 **PCW** 31-Jan-2012 **Screening** 31-Jan-2012 **EPA Due** 5-Jun-2012

RESPONDENT/FACILITY INFORMATION

Respondent Alon USA, LP
Reg. Ent. Ref. No. RN100250869
Facility/Site Region 7-Midland **Major/Minor Source** Major

CASE INFORMATION

Enf./Case ID No. 43525 **No. of Violations** 1
Docket No. 2012-0356-IWD-E **Order Type** 1660
Media Program(s) Water Quality **Government/Non-Profit** No
Multi-Media **Enf. Coordinator** Jacquelyn Green
EC's Team Enforcement Team 1
Admin. Penalty \$ Limit Minimum \$0 **Maximum** \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 102.0% Enhancement **Subtotals 2, 3, & 7** \$5,100

Notes Enhancement for five NOVs with same/similar violations, six NOVs with dissimilar violations, one order with denial of liability, and nine months of self-reported effluent violations.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$912
 Approx. Cost of Compliance \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$10,100

OTHER FACTORS AS JUSTICE MAY REQUIRE -1.5% **Adjustment** -\$150

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended reduction to prevent double enhancement of self-reported violations.

Final Penalty Amount \$9,950

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$9,950

DEFERRAL 20.0% Reduction **Adjustment** -\$1,990

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY \$7,960

Screening Date 31-Jan-2012

Docket No. 2012-0356-IWD-E

PCW

Respondent Alon USA, LP

Policy Revision 2 (September 2002)

Case ID No. 43525

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100250869

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	14	70%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 102%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five NOVs with same/similar violations, six NOVs with dissimilar violations, one order with denial of liability, and nine months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 102%

Screening Date 31-Jan-2012

Docket No. 2012-0356-IWD-E

PCW

Respondent Alon USA, LP

Policy Revision 2 (September 2002)

Case ID No. 43525

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100250869

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0001768000, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented in a record review conducted on January 17, 2012, and shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

89 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended for the quarters containing the months of December 2010, February 2011, and April 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
N/A	X		(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$912

Violation Final Penalty Total \$9,950

This violation Final Assessed Penalty (adjusted for limits) \$9,950

Economic Benefit Worksheet

Respondent Alon USA, LP
Case ID No. 43525
Reg. Ent. Reference No. RN100250869
Media Water Quality
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Dec-2010	27-Oct-2012	1.82	\$912	n/a	\$912

Notes for DELAYED costs

Estimated costs to evaluate the cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the anticipated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$912



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	31-Jan-2012	Screening	31-Jan-2012	EPA Due	5-Jun-2012
	PCW	31-Jan-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Alon USA, LP		
Reg. Ent. Ref. No.	RN100250869		
Facility/Site Region	7-Midland	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	43525	No. of Violations	2
Docket No.	2012-0356-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jacquelyn Green
		EC's Team	Enforcement Team 1

Admin. Penalty \$ Limit Minimum **Maximum**

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for five NOV's with same/similar violations, six NOV's with dissimilar violations, one order with denial of liability, and nine months of self-reported effluent violations.

Culpability **0.0%** Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit **0.0%** Enhancement* **Subtotal 6**

Total EB Amounts
Approx. Cost of Compliance
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction to prevent double enhancement of self-reported violations.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY

1

Screening Date 31-Jan-2012

Docket No. 2012-0356-IWD-E

PCW

Respondent Alon USA, LP

Policy Revision 3 (September 2011)

Case ID No. 43525

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100250869

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	14	70%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 102%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for five NOVs with same/similar violations, six NOVs with dissimilar violations, one order with denial of liability, and nine months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 102%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 31-Jan-2012

Docket No. 2012-0356-IWD-E

PCW

Respondent Alon USA, LP

Policy Revision 3 (September 2011)

Case ID No. 43525

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100250869

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001768000, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limitations, as documented in a record review conducted on January 17, 2012, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

61 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended for the quarter containing the months of September 2011 and October 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,388

This violation Final Assessed Penalty (adjusted for limits) \$7,388

Economic Benefit Worksheet

Respondent Alon USA, LP
Case ID No. 43525
Reg. Ent. Reference No. RN100250869
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit is included in the accompanying PCW.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 31-Jan-2012

Docket No. 2012-0356-IWD-E

PCW

Respondent Alon USA, LP

Policy Revision 3, September 2012

Case ID No. 43525

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100250869

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0001768000, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit effluent monitoring results at the intervals specified in the permit, as documented during a record review conducted on January 17, 2012. Specifically, the discharge monitoring report ("DMR") for the Whole Effluent Toxicity (48-hour acute) for *Daphnia magna* and *Pimephales promelas* for Outfall No. 002 was not submitted for the quarterly monitoring period ending September 30, 2011 by the 20th day of the following month.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

70% or greater of the permit requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

103 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$493

This violation Final Assessed Penalty (adjusted for limits) \$493

Economic Benefit Worksheet

Respondent Alon USA, LP
Case ID No. 43525
Reg. Ent. Reference No. RN100250869
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	20-Oct-2011	6-Feb-2012	0.30	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the DMR for the monitoring period ending September 30, 2011. Date required is the date the DMR was due. Final date is the date the DMR was submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$1

Alon USA, LP
DOCKET NO. 2012-0356-IWD-E
TPDES Permit No. WQ0001768000

Months	Flow Daily Maximum	Total Suspended Solids Daily Maximum Loading	Sulfide Daily Average Loading	Sulfide Daily Maximum Loading
	Limit = 2.016 MGD	Limit = 658 lbs/day	Limit = 2.2 lbs/day	Limit = 5 lbs/day
December 2010	c	684.03	c	c
February 2011	c	813.28	c	c
April 2011	2.09	c	c	c
September 2011	c	c	6.16	38.05
October 2011	c	c	9.2	62.15

lbs/day = pounds per day

c = compliant

MGD = million gallons per day

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600881783	Alon USA, LP	Classification: AVERAGE	Rating: 1.79
Regulated Entity:	RN100250869	ALON USA BIG SPRING REFINERY	Classification: AVERAGE	Site Rating: 1.16
ID Number(s):	WASTE WATER GENERAL PERMIT	PERMIT		2E0000032
	AIR OPERATING PERMITS	ACCOUNT NUMBER		HT0011Q
	AIR OPERATING PERMITS	PERMIT		1505
	POLLUTION PREVENTION PLANNING	ID NUMBER		P00240
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT		50140
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID		TXD008013468
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)		30083
	AIR NEW SOURCE PERMITS	REGISTRATION		92136
	AIR NEW SOURCE PERMITS	PERMIT		51A
	AIR NEW SOURCE PERMITS	REGISTRATION		15407
	AIR NEW SOURCE PERMITS	REGISTRATION		18782
	AIR NEW SOURCE PERMITS	PERMIT		20487
	AIR NEW SOURCE PERMITS	PERMIT		20628
	AIR NEW SOURCE PERMITS	PERMIT		21013
	AIR NEW SOURCE PERMITS	PERMIT		21392
	AIR NEW SOURCE PERMITS	REGISTRATION		23836
	AIR NEW SOURCE PERMITS	REGISTRATION		25233
	AIR NEW SOURCE PERMITS	REGISTRATION		27065
	AIR NEW SOURCE PERMITS	REGISTRATION		28979
	AIR NEW SOURCE PERMITS	REGISTRATION		31834
	AIR NEW SOURCE PERMITS	REGISTRATION		31904
	AIR NEW SOURCE PERMITS	PERMIT		36845
	AIR NEW SOURCE PERMITS	REGISTRATION		38097
	AIR NEW SOURCE PERMITS	REGISTRATION		39184
	AIR NEW SOURCE PERMITS	REGISTRATION		41916
	AIR NEW SOURCE PERMITS	REGISTRATION		48115
	AIR NEW SOURCE PERMITS	REGISTRATION		50028
	AIR NEW SOURCE PERMITS	PERMIT		49154
	AIR NEW SOURCE PERMITS	PERMIT		50209
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HT0011Q
	AIR NEW SOURCE PERMITS	PERMIT		53425
	AIR NEW SOURCE PERMITS	REGISTRATION		76223
	AIR NEW SOURCE PERMITS	AFS NUM		4822700001
	AIR NEW SOURCE PERMITS	REGISTRATION		70204

AIR NEW SOURCE PERMITS	REGISTRATION	70215
AIR NEW SOURCE PERMITS	REGISTRATION	71018
AIR NEW SOURCE PERMITS	REGISTRATION	70658
AIR NEW SOURCE PERMITS	REGISTRATION	71293
AIR NEW SOURCE PERMITS	REGISTRATION	71774
AIR NEW SOURCE PERMITS	PERMIT	73323
AIR NEW SOURCE PERMITS	REGISTRATION	74005
AIR NEW SOURCE PERMITS	REGISTRATION	74378
AIR NEW SOURCE PERMITS	REGISTRATION	74448
AIR NEW SOURCE PERMITS	REGISTRATION	77393
AIR NEW SOURCE PERMITS	REGISTRATION	77315
AIR NEW SOURCE PERMITS	REGISTRATION	78906
AIR NEW SOURCE PERMITS	REGISTRATION	78556
AIR NEW SOURCE PERMITS	REGISTRATION	78640
AIR NEW SOURCE PERMITS	PERMIT	80833
AIR NEW SOURCE PERMITS	REGISTRATION	81506
AIR NEW SOURCE PERMITS	REGISTRATION	82271
AIR NEW SOURCE PERMITS	REGISTRATION	82085
AIR NEW SOURCE PERMITS	REGISTRATION	88517
AIR NEW SOURCE PERMITS	REGISTRATION	87851
AIR NEW SOURCE PERMITS	REGISTRATION	51700
AIR NEW SOURCE PERMITS	REGISTRATION	90993
AIR NEW SOURCE PERMITS	REGISTRATION	95378
AIR NEW SOURCE PERMITS	REGISTRATION	95878
AIR NEW SOURCE PERMITS	REGISTRATION	84775
AIR NEW SOURCE PERMITS	REGISTRATION	84546
AIR NEW SOURCE PERMITS	REGISTRATION	87417
AIR NEW SOURCE PERMITS	REGISTRATION	92615
UNDERGROUND INJECTION CONTROL	PERMIT	WDW329
UNDERGROUND INJECTION CONTROL	PERMIT	WDW330
UNDERGROUND INJECTION CONTROL	PERMIT	WDW331
WASTEWATER	EPA ID	TX0104515
WASTEWATER	PERMIT	WQ0004539000
WASTEWATER	PERMIT	WQ0001768000
WASTEWATER	EPA ID	TX0104515
STORMWATER	PERMIT	TXR05O289
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30083
AIR EMISSIONS INVENTORY	ACCOUNT NUMBERHT0011Q	

Location: located adjacent to Interstate Highway 20 ("IH 20") and approximately ½ mile east of the intersection of IH 20 and Farm-to-Market Road 700, east of Big Spring, Howard County, Texas

TCEQ Region: REGION 07 - MIDLAND

Date Compliance History Prepared: February 01, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 31, 2007 to January 31, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jacquelyn Green Phone: 239 - 2587

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? YES
3. If YES, who is the current owner/operator? Alon USA, LP
4. If YES, who was/were the prior owner(s)/operator(s)? Atofina Petrochemicals INC, OWNER, 1/1/1800 to 10/29/2009
5. If YES, when did the change(s) in owner or operator occur? 10/29/2009
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 03/19/2011

ADMINORDER 2010-1640-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions PERMIT

Description: Failed to submit a semi-annual deviation report within thirty days of the end of the reporting period. Specifically, the report for the period September 24, 2008 through March 23, 2009 was due by

April 22, 2009; however, it was not submitted until April 24, 2009.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/19/2007	(515519)	9	08/08/2007	(568461)
2	03/21/2007	(536228)	10	01/24/2008	(572866)
3	02/08/2007	(539385)	11	02/20/2007	(587780)
4	02/12/2007	(540124)	12	02/20/2007	(587781)
5	04/11/2007	(555859)	13	04/19/2007	(587782)
6	04/12/2007	(556822)	14	05/18/2007	(587783)
7	06/27/2007	(565788)	15	06/15/2007	(587784)
8	10/03/2007	(565790)	16	07/17/2007	(587785)
			17	05/18/2007	(587786)

18	04/09/2007	(587788)	48	02/13/2009	(726419)
19	03/29/2007	(593341)	49	11/20/2008	(731886)
20	09/14/2007	(594330)	50	11/20/2008	(731887)
21	02/22/2008	(597870)	51	11/20/2008	(731888)
22	10/31/2007	(599469)	52	01/19/2009	(731889)
23	08/20/2007	(605209)	53	03/16/2009	(738697)
24	10/18/2007	(605210)	54	06/10/2009	(748535)
25	11/19/2007	(628618)	55	02/19/2009	(755294)
26	11/19/2007	(628619)	56	04/20/2009	(755295)
27	12/21/2007	(628620)	57	09/14/2009	(763333)
28	01/19/2008	(628621)	58	08/06/2009	(764905)
29	03/31/2008	(636312)	59	05/20/2009	(772386)
30	05/06/2008	(640272)	60	05/20/2009	(772387)
31	04/09/2008	(641812)	61	05/20/2009	(772388)
32	05/09/2008	(646572)	62	09/16/2009	(776129)
33	05/05/2008	(646574)	63	10/16/2009	(777175)
34	06/03/2008	(669832)	64	01/08/2010	(787806)
35	03/18/2008	(676469)	65	02/12/2010	(791699)
36	06/05/2008	(682292)	66	03/11/2010	(795317)
37	07/23/2008	(687389)	67	03/29/2010	(797195)
38	04/29/2008	(694931)	68	04/23/2010	(800125)
39	06/21/2008	(694932)	69	05/26/2010	(802357)
40	06/21/2008	(694933)	70	04/17/2010	(817170)
41	07/22/2008	(694934)	71	09/18/2009	(817171)
42	05/21/2008	(694935)	72	08/20/2009	(817172)
43	07/07/2008	(699472)	73	11/19/2009	(817173)
44	10/21/2008	(702819)	74	03/05/2010	(817174)
45	11/25/2008	(707891)	75	12/21/2009	(817175)
46	08/20/2008	(716430)	76	04/17/2010	(817176)
47	10/20/2008	(716431)	77	08/31/2010	(827009)

78 03/26/2010 (835247)	97 03/04/2011 (910588)
79 05/04/2010 (835248)	98 04/11/2011 (912328)
80 05/13/2010 (835249)	99 03/21/2011 (917848)
81 07/28/2010 (842366)	100 05/10/2011 (919425)
82 08/13/2010 (843091)	101 04/20/2011 (929540)
83 07/29/2010 (843118)	102 10/20/2010 (929541)
84 08/10/2010 (844626)	103 11/24/2010 (929542)
85 06/23/2010 (845948)	104 04/11/2011 (929543)
86 06/24/2010 (847607)	105 07/15/2011 (936770)
87 07/16/2010 (862009)	106 05/19/2011 (939545)
88 08/20/2010 (868583)	107 06/20/2011 (946956)
89 11/09/2010 (870019)	108 08/24/2011 (950527)
90 08/20/2010 (875477)	109 07/19/2011 (954217)
91 02/16/2011 (892930)	110 08/19/2011 (960796)
92 03/10/2011 (894616)	111 09/20/2011 (966879)
93 02/15/2011 (894791)	112 10/20/2011 (972861)
94 02/22/2011 (899392)	113 11/20/2011 (978999)
95 03/10/2011 (900600)	114 01/26/2012 (981148)
96 01/25/2011 (903688)	

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	03/29/2007 (593341)	CN600881783
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	SPECIFIC NON-RPT VIOLATION	
Date:	07/20/2007 (515519)	CN600881783
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)	
Description:	Failure to notify the TCEQ in a timely manner of two reportable emissions events pursuant to 30 TAC 101.201(a)(1)(b).	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(e) 30 TAC Chapter 116, SubChapter B 116.115(c) Permit 49154, SC 5 PERMIT	
Description:	Failure to submit a timely reportable excess opacity event within 24 hours of discovery.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) Permit 20487, Special Condition 1 PERMIT	
Description:	Failure to maintain emissions below the authorized limit specified in the Maximum	

Allowable Emissions Rate Table (MAERT) of Permit No. 20487.

Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
Permit 20487, SC 4 PERMIT

Description: Failure to perform a required cylinder gas audit (CGA) on a quarter-annual basis for the No. 2 SRU Continuous Emissions Monitor (CEM) during the third calendar quarter, July 1, 2005, through September 30, 2005. The EIC category C1 describes this alleged violation as partial or inadequate implementation of monitoring or testing requirements.

Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Failure to perform primary seal gap inspection on Tank 321 within one year of the previous inspection. The EIC describes this alleged violation as partial or inadequate implementation of monitoring/testing requirements, including self-inspections where applicable.

Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

Description: Failure to perform secondary seal gap inspection on Tanks 125, 320, 328, 350, and 002 within one year of the previous inspection.

Self Report? YES Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Description: Failure to provide a written 7-day notification to the Regional Office before refilling storage vessel Tank 185.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Description: Failure to provide a written 7-day notification to the Regional Office before refilling storage vessel Tank 121.

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

Description: Failure to repair two leaking pumps within six months which were put on a Delay of Repair list.

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failed to report this the deviation of 11P-012 and 11P-14 pumps left on delay of repair list for longer than six months in the previous annual certification.

Date: 04/30/2008 (694932) CN600881783

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 05/12/2008 (646572) CN600881783

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent unauthorized emissions of Sulfur Dioxide (677.31 pounds) and Hydrogen Sulfide (0.36 pounds) from entering the atmosphere from the No. 1 Tail Gas Incinerator on January 19, 2008.

Date: 06/03/2008 (669832) CN600881783

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a Title V Operating Permit Deviation Report within 30 days after the compliance period.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to document all instances of deviations.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Permit 20628/SC4 PERMIT

Description: Failure to comply with the emission limit set forth in Permit By Rule (PBR) 106.262 and NSR Permit 20628 for Benzene loading operations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Permit 51-A/SC 1 PERMIT

Description: Failure to fire the Big Reformer Heater (EPN: 05CHRGHTR) below the firing rate specified in the NSR Permit 51-A Maximum Allowable Emission Rate (MAER) Table.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Permit 51-A/SC 1 PERMIT

Description: Failure to fire the Reformer De-pent Reboiler Heater (EPN: 05DEC5HRT) below the firing rate specified in the representations of NSR Permit 51-A MAER Table.

Date: 07/07/2008 (699472) CN600881783

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 11/30/2008 (731888) CN600881783

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2009 (755294) CN600881783

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 06/09/2009 (748535)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: The flow accuracy check for the 9" Parshall flume monitoring Outfall 001 (Refinery Lake) was found to have a -53% error, outside of the acceptable +/- 10% error limitation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: The permittee had minor effluent violations in the 4/08 through 3/09 reviewing period including sulfides (4/08), NH3 (4 and 10/08), BOD (9 and 11/08) and TSS (12/08 and 1/09).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Permittee was found to be in violation of concentration-based and mass-based limitations for their selenium and cyanide constituents (daily maximum and daily average parameters).

Date: 09/15/2009 (763333) CN600881783

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a Permit Compliance Certification no later than 30 days after the end of the certification period.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a Deviation Report no later than 30 days after the end of the reporting period.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to report all instance of deviations.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to prevent unauthorized releases of air contaminants into the atmosphere.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to prevent unauthorized releases of air contaminants into the atmosphere.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 8 PERMIT
 Description: Failure to comply with special conditions of a permit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 1 PERMIT
 Description: Failure to comply with a special condition of a permit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Conditions (See description) PERMIT
 Description: Failure to comply with a special condition of a permit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 1 PERMIT
 Description: Failure to comply with a special condition of a permit.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(b)(1)(i)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 4.B.(2) PERMIT
 Description: Failure to comply with a special condition of a permit.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(c)(2)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to submit the RATA testing results within 60 days of completion.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 14.C. PERMIT
 Description: Failure to comply with a special condition of a permit.
 Date: 12/31/2009 (817176) CN600881783
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/23/2010 (845948) CN600881783
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/30/2010 (827009)

CN600881783

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the PI-7 Annual Notification Form by March 31, 2009 as required by 30 TAC §106.261(a) (7)(B).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(g)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the required MACT CC Semi-annual report no later than 60 days after the end of the 6 month report period.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to create final records for emissions events no later than two weeks after the end of the emissions events.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(h)(2)(i)
5C THSC Chapter 382 382.085(b)
Special Condition No. 22.C. PERMIT

Description: Failure to provide valid CEM readings (for the FCCU Stack EPN 06ESPPCV) for more than 15 minutes.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter U 106.472
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent visible emissions from occurring as a result of the loading and unloading of organic liquids in Asphalt Tank 203.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-5(e)(3)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain a flow indicator on vent streams from vapor recovery purge to the South Flare ensuring that the vapors were being routed to the control device.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 5.A. PERMIT

Description: Failure to maintain three weekly records of the carbon adsorption system (CAS) results for hydrogen sulfide (H₂S) breakthrough at the Sulfur Railcar Loading Rack.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Conditions PERMIT

Description: Failure to equip 58 open-ended lines with a cap, blind flange, plug, or a second valve.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of deviations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to include an adequate description for the probable cause for all deviations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)
5C THSC Chapter 382 382.085(b)

Description: Failure to include the applicable requirement for which a deviation occurred for all

deviations.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to prevent unauthorized releases of air contaminants into the atmosphere.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Description: Failure to prevent unauthorized releases of air contaminants into the atmosphere.

Date: 12/31/2010 (903688)

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2011 (917848)

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/10/2011 (894616)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Permittee was found to be in violation of concentration-based and mass-based limitations for their selenium and cyanide constituents (daily average and daily maximum parameters). These violations pertain to the previous permit that was in effect until November 5, 2010.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Permittee was found to be in violation of concentration-based and mass-based limitations for their selenium and cyanide constituents (daily maximum and daily average parameters).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Permittee exceeded the 60 mg/L TSS daily maximum limitation on March 9, 2010 - the measured value was 66.8 mg/L.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: As required by Other Requirement #7, the permittee was required to submit a monitor well report during September 2010 detailing sampling activities and analytical data. This report was submitted late - on January 26, 2010.

Date: 04/30/2011 (939545) CN600881783

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/15/2011 (936770) CN600881783

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to equip 141 open-ended lines with a cap, blind flange, plug, or a second valve.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(b)(4)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to submit the 1st MACT UUU Semi-annual Report (which includes the Semi-annual Summary and Excess Emissions Report) in a timely manner.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to perform quarterly cylinder gas audits.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to prevent unauthorized releases of air contaminants into the atmosphere.

Date: 09/30/2011 (972861) CN600881783
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2011 (978999) CN600881783
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A

Sites Outside of Texas
 N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ALON USA, LP
RN100250869**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-0356-IWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Alon USA, LP ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located adjacent to Interstate Highway 20 and approximately 0.5 mile east of the intersection of Interstate Highway 20 and Farm-to-Market Road 700, east of Big Spring, Howard County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 31, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Seventeen Thousand Eight Hundred Thirty Dollars (\$17,830) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Two Hundred Sixty-Four Dollars (\$14,264) of the administrative penalty and Three Thousand Five Hundred Sixty-Six Dollars (\$3,566) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on February 6, 2012, the Respondent submitted the discharge monitoring report ("DMR") for the Whole Effluent Toxicity (48-hour acute) for *Daphnia magna* and *Pimephales promelas* for Outfall No. 002.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001768000, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on January 17, 2012, and shown in the violation table below:

	Flow Daily Maximum	Total Suspended Solids Daily Maximum Loading	Sulfide Daily Average Loading	Sulfide Daily Maximum Loading
Months	Limit = 2.016 MGD	Limit = 658 lbs/day	Limit = 2.2 lbs/day	Limit = 5 lbs/day
December 2010	c	684.03	c	c
February 2011	c	813.28	c	c
April 2011	2.09	c	c	c
September 2011	c	c	6.16	38.05
October 2011	c	c	9.2	62.15

lbs/day = pounds per day

c = compliant

MGD = million gallons per day

- Failed to timely submit effluent monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0001768000, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on January 17, 2012. Specifically, the DMR for the Whole Effluent Toxicity (48-hour acute) for *Daphnia magna* and *Pimephales promelas* for Outfall No. 002 was not submitted for the quarterly monitoring period ending September 30, 2011 by the 20th day of the following month.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

- It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Alon USA, LP, Docket No. 2012-0356-IWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001768000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Midland Regional Office
Texas Commission on Environmental Quality
9900 W. IH-20, Ste. 100
Midland, Texas 79706

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Sami
For the Executive Director

2/14/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Jimmy Crosby
Signature

5/22/12
Date

Jimmy Crosby
Name (Printed or typed)
Authorized Representative of
Alon USA, LP

VP Refining
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.